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SUBJECT: ANTARCTIC TREATY: BRAZIL UNLIKELY TO APPROVE 2003 ATCM
MEASURE 1 BEFORE APRIL MEETING

(U) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED AND NOT FOR INTERNET
DISTRIBUTION.

¶1. (SBU) On January 29 and again on February 3, ESTH Counselor met with key officials in the Ministry of External Relations (MRE) to press for Brazil to approve by early April the 2003 Antarctic Treaty Consultative Meeting (ATCM) Measure 1, which would create the Antarctic Treaty Secretariat (REFTEL A). Ronaldo Lima Vieira, the official in the MRE's Division of Oceans, Antarctica and Space (DMAE) handles the Antarctica portfolio and Luis Pio Correa is the Acting Director of DMAE. Pio Correa and Vieira told ESTH Counselor that the MRE was aware of the significance of the April deadline, but they feared that it is doubtful the Brazilian Congress will approve the Measure in time.

¶2. (SBU) Vieira and Pio Correa stressed that the Government of Brazil (GOB) supports approval of Measure 1. This is consistent with the response that Luis Figueiredo Machado, the Director of the MRE's Environment Department, set forth in August 2008 (REFTEL B). Vieira pointed out that Figueiredo Machado was a creator of the ATCM Measure 1 proposal, and so it was especially embarrassing for the GOB that the approval was taking so long. The underlying problem has been that the MRE's lawyers have determined that this Measure has to be approved by Congress.

¶3. (SBU) The Measure is under review by the Brazilian Congress and the ratification process is proceeding, though slowly. In the Chamber of Deputies (the lower house), the Measure has been approved by one of the relevant committees, but it is pending approval in another committee and a vote by the full Chamber. Congress has just returned for a brief session to elect the Congressional leaders and committee chairs, after which they will then go on recess again until March 2nd (after Carnival). After the Chamber of Deputies finishes, then the Measure has to go through the appropriate Senate committees and then to the full Senate for approval. Vieira - and Figueiredo Machado earlier - explained that the Congressional calendar has been and continues to be a full one.

¶4. (SBU) In Brazil, the President can send a "Provisional Measure" to Congress which then takes precedent over all other items to be considered and voted upon. The President uses this procedural device frequently and now there are numerous Provisional Measures awaiting consideration. Until the backlog of Provisional Measures is cleared, the Congress cannot consider and vote on the over 200 treaties and agreements currently pending, including the 2003 ACTM Measure 1. The Embassy will continue urge the GOB to push for fast action on the Measure and will also go directly to the Congressional committees to encourage them to act quickly.

¶5. (SBU) At the February 3 meeting, Pio Correa said that he would speak later that day with MRE Under Secretary for Policy Everton Vargas on the matter. He was conscious of the possible

embarrassment for the head of the Brazilian delegation, whether the Minister or some other senior official, if Brazil arrives as the sole holdout on the Measure. Pío Correa did caution that the Brazilian Congress was an independent branch and once it cleared the Provisional Measure calendar would set its own priorities.

¶6. (SBU) On a related note, Post delivered on December 30, 2008, diplomatic note (No. 565) to the MRE notifying them that the USG will host the annual Antarctic Treaty Consultative Meeting in April, 2009, and it plans to include a high-level segment to which foreign ministers may be invited. Vieira mentioned in the meeting in January that the Brazilian Embassy in Washington has also recently received this information. For now, Vieira and Pío Correa did not know who would attend such a meeting for the GOB.

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